

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS RAY CROSSGUNS,

Defendant.

CR-11-106-GF-BMM-01

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on November 19, 2015. (Doc. 64.) Neither party filed objections. When a party makes no objections, the Court need not review de novo the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149–152 (1986). The Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on November 18, 2015. (Doc. 59.) Crossguns admitted to violating his conditions of supervised release by:

(1) consuming alcohol; (2) failing to participate in substance abuse treatment; (3) failing to participate in substance abuse testing; (4) failing to report to his probation officer as directed; and (5) failing to notify his probation officer after being questioned by a law enforcement officer. (*Id.*) Judge Johnston found the evidence sufficient to establish that Crossguns had violated the conditions of his supervised release. (*Id.*)

Judge Johnston recommends that the Court revoke Crossguns' supervised release. (Doc. 64.) Judge Johnston recommends that the Court sentence Crossguns to eight (8) months in custody with no supervised release to follow. (*Id.*)

Crossguns' violation grade is Grade C, his underlying offense is a Class C felony, and his criminal history category is I. He could be incarcerated for up to 24 months. He could be ordered to remain on supervised release for up to 23 months, less any custody time imposed. The United States Sentencing Guidelines call for three to nine months in custody.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Crossguns' current violation is serious in nature. A sentence of imprisonment for eight (8) months with no supervised release to follow is sufficient, but not greater than necessary.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 64) is ADOPTED IN FULL. **IT IS FURTHER**

ORDERED that Defendant Thomas Ray Crossguns' supervised release shall be revoked and he shall be committed to the custody of the United States Bureau of Prisons for eight (8) months.

DATED this 7th day of December, 2015.

A handwritten signature in blue ink that reads "Brian Morris". The signature is fluid and cursive, with "Brian" on top and "Morris" on the bottom, both starting with a capital letter.

Brian Morris
United States District Court Judge